

REMARKS/ARGUMENTS

This Amendment is submitted in response to the non-final Office Action dated August 21, 2007, in which Claims 2 and 4-18 were objected to and rejected under 35 U.S.C. § 103(a). Claims 1 and 3 have previously been canceled. Reconsideration of these rejections and allowance of the pending claims is respectfully requested.

Objection to the Claims

The Examiner has objected to the claims based on the use of "bearer portion" in line 7 of Claim 18. Applicant respectfully submits that the current language is in proper form. Specifically, because Claim 18 recites "*a* first and *a* second longitudinally extending bearer portion," (emphasis added) it is appropriate to use the singular form of "bearer portion". In contrast, if the claim were written as "first and second longitudinally ..." then the plural "bearer portions" would be used. Accordingly, Applicant respectfully requests that the objection to the claims be withdrawn.

Rejection over Dash in view of Brown et al.

Claims 2, 9-14 and 16-18 have been rejected under 35 U. S.C. § 103(a) as being obvious over Dash (PCT/AU85/00159) in view of Brown et al. (U.S. Patent No. 1,360,720). Applicant respectfully traverses this rejection.

Dash discloses a steel handling pallet (ref. no. 10), for the transport of heavy loads of goods (page 1, lines 2-17). The pallet in Dash has a deck (ref. no. 11) and a base (ref. no. 12) welded to bearers (ref. no. 13) consisting of U-shaped channels (ref. nos. 30, 31) that have web portions (ref. no. 32) and sloping legs (ref. nos. 33, 34). Claim 18 of the present application requires, *inter alia*, a metal pallet that has elongated bearers where each bearer is "formed of sheet metal and secured to and extending transversely between the decks," and where "each bearer has a first and a second longitudinally extending bearer portion, with each portion being secured to said decks and extending separately transversely between said decks and wherein each portion has a longitudinally extending top web secured to the top deck, a longitudinally extending bottom web secured to the bottom deck, a longitudinally extending central web

extending generally normal to said decks, and longitudinally extending inclined web portions securing the central web to the top and bottom webs, each inclined web portion being inclined to the decks by an acute angle." The Examiner admits that Dash does not teach these features and relies upon the disclosure of Brown et al. Applicant respectfully submits that it would not be obvious to one of ordinary skill in the art to modify the pallet of Dash to include features of Brown et al.; thus the combination of these references is improper.

Brown et al. is directed towards a spar for an aircraft. A person of ordinary skill in the art of pallets would not consider a spar for an aircraft or any other part of an aircraft when designing pallets because a spar for an aircraft is subject to completely different loads than that of a pallet. The engineering problems to be solved are very different. In particular, the pallet in Dash is specifically designed for compression under a point load, while a spar of an aircraft is designed for tension and twisting forces. There is no showing or suggestion within Brown et al. to modify the spar for use in a pallet, nor any mention of the need to support a point load. Accordingly, the combination of Dash with Brown et al. would not have been obvious to one of ordinary skill in the art, and thus Applicant respectfully requests that the rejection of Claim 18 of the present application as obvious over that combination be withdrawn.

Claims 2, 9-14, 16 and 17 depend from Claim 18 and are allowable for at least the same reasons.

In addition, with respect to Claim 2, the present application requires that the central webs "are releasably securable together," which is not taught by Dash either alone or in combination with Brown et al.

Dash discloses a fixed pallet where all components are welded together (see, e.g., page 2, lines 9-14). The two U-shaped channels 30, 31 are welded together and are not in direct contact with the pallet deck or pallet base (see page 4, lines 2-5 and Figure 1). In contrast, the present invention is directed towards providing a multi-purpose metal pallet having detachable components (see, e.g., page 1, lines 2-3). It is common for pallets to be damaged during use; for example, the load to be carried may be dropped onto the pallet or the pallet may be driven into other structures while carried by a forklift. Currently pallet owners incur huge expenses to

replace damaged pallets. It is not economical to repair existing metal pallets; thus, in most cases, they are completely replaced when damaged. The present invention addresses this problem by allowing a pallet owner to replace individual damaged components of a metal pallet rather than replacing the whole pallet, such as replacing the individual portions that extend separately transversely between the decks rather than replacing the entire bearer. This feature significantly reduces the expenditure to the pallet owner. Dash does not show or suggest providing a multi-purpose pallet having such detachable components, nor is there a discussion of the problem addressed by the current invention; thus there is no suggestion to provide a solution to such problem.

Moreover, there is no motivation in Dash to modify the structure in accordance with that of the present invention. A person of ordinary skill in the art faced with Dash would have no need to change the bearer structure; when all components are welded together Dash provides a very reliable pallet. As discussed above, Dash is directed to a pallet having all parts welded together. If the parts of the pallet of Dash were detachable, Dash would not operate correctly and would fail under load because of the designed load structure of Dash (see, e.g., page 4, lines 1-24), which is different from that of the present invention. A modification to make Dash include parts that are detachable would require a complete re-engineering of the structure and load distribution.

As discussed above, Applicant submits that the combination of Dash with Brown et al. is improper; however, even if the references were combined, Applicant submits that they do not make obvious the feature as claimed in Claim 2 of the present invention. Specifically, there is no showing or suggestion in Brown et al. to provide any detachable components, and in fact, to include detachable components in the spar of Brown et al. would make it unsuitable for its intended use. Brown et al. discloses that all parts of the spar must be securely fastened together (col. 1, lines 41-43), and includes stiffening blocks (ref. no. 9) to provide additional fastening (col. 2, lines 59-62). Use of releasably secured components as required by Claim 2 of the present application would compromise the structural requirements of the spar in Brown et al.; thus one of

ordinary skill in the art would not find it obvious to provide such a feature, and would most likely be motivated against providing any releasably secured components.

Accordingly, Applicant submits that Dash in view of Brown et al. does not make obvious the features of at least Claim 2, and withdrawal of the rejection is respectfully requested.

Rejection over Dash in view of Brown et al. and further in view of Sanders

Claims 4-8 and 15 have been rejected under 35 U. S.C. § 103(a) as being obvious over Dash in view of Brown et al., and further in view of Sanders et al. (U.S. Patent No. 4,240,360). Applicant respectfully traverses this rejection.

Claims 4-8 and 15 depend from Claim 18 and are allowable for at least the same reasons. Therefore, Applicant respectfully requests that the rejection of Claims 4-8 and 15 be withdrawn on at least that basis.

In addition, with respect to the combination of Dash, Brown et al. and Sanders et al., Applicant respectfully asserts that a person of ordinary skill in the art would not be motivated to combine Dash with Sanders et al. as suggested by the Examiner. The Examiner stated that it would have been obvious to modify Dash to include the releasable fastening means of Sanders et al. in order to "allow the pallet to knock-down for spaced saving purpose [sic]" (Office Action dated Aug. 21, 2007, page 5); however this reasoning is incompatible with the teachings of the Dash reference. Dash discloses a fixed, welded pallet for carrying loads, while Sanders et al. teaches construction of pallets that can be nested one on top of the other. The design of Sanders et al. allows for such a space-saving configuration, however the pallet in Dash would not be capable of a similar arrangement. Even if Dash were provided with releasable fastenings, it would not be possible to stack the pallets as described in Sanders et al.; thus this would not provide one of ordinary skill in the art with a reason to use such fasteners. Further, as discussed above, if the Dash pallet included releasable components, the structure and load-carrying ability of the pallet would be compromised. Accordingly, Applicant respectfully submits that the Examiner's rationale for combining Sanders et al. with Dash and Brown et al. is not supported and that one of ordinary skill in the art would not find it obvious to use the teachings of these references together.

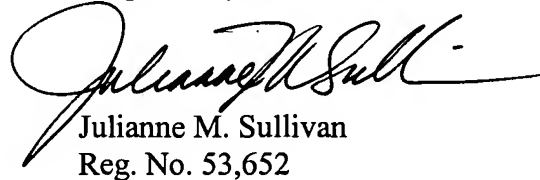
Therefore, Applicant respectfully requests that the rejection of at least Claims 4-8 and 15 be withdrawn.

CONCLUSION

In view of the foregoing, Applicant submits that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 576-0200.

Respectfully submitted,



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